

being readable by at least one processor to automatically deliver the targeted message to the consumer in response to receiving the first identifier.

REMARKS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 85-90 are pending. The present amendment amends claims 85, 57, and 89. The amendment to the claims is fully supported by the originally filed disclosure is not believed to raise an issue of new matter.

On pages 4-5 of the outstanding Office Action, claims 85-90 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. On pages 5-8 of the outstanding office action, claims 85 and 86 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Scroggie et al in view of Laor; claim 87 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Scroggie et al in view of Lermyn; claim 88 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Scroggie et al in view of Lermyn and further in view of Laor, and claims 89 and 90 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Scroggie et al in view of Csaszar et al.

Attention is first directed to the rejection of claims 85-90 under 35 U.S.C. § 101. The outstanding office action states that “the stored information representing identification information does not cause or direct a computer to perform any functional operation and thus, is deemed to be non-function[al] descriptive material and non-statutory.” Page 2.

The pending independent claims are presently amended to recite information that causes or directs a computer to perform a functional operation. Specifically, claim 85 recites that “the information stored in the first and second fields being readable by at least one

processor to automatically deliver the targeted advertisement to the first computer,” claim 87 recites “the first identifier and the purchase behavior classification being readable by at least one processor to automatically deliver the targeted advertisement to the first computer in response to receiving the first identifier from the first computer,” and claim 89 recites “the first identifier and the personal identification number being readable by at least one processor to automatically deliver the targeted message to the consumer in response to receiving the first identifier.” Therefore, applicants respectfully submit that claims 85-90 fully comply with the requirements of 35 U.S.C. § 101.

The present amendments to the claims are also believed to further distinguish applicants’ invention from the cited references. As acknowledged in the outstanding office action on page 3, Scroggie et al fails to teach a first identifier identifying a computer associated with a consumer. Applicants submit that there is no motivation in any of the applied references or in the knowledge generally available to one having ordinary skill in the art to modify Scroggie et al to include such a feature or any other features in claims 85-90, which Scroggie et al fail to show. With respect to Laor, this reference merely teaches the use of cookies to deliver coupons. Why would it be *obvious* to one of ordinary skill in the art to associate a cookie with an observed offline purchase history of the consumer (said purchase history including information of an offline purchase of the consumer collected at a point of sale when the offline purchase transpired) based on Laor? Similar deficiencies exist with the Jermyn and Csaszar et al references. There is simply no motivation in the cited references or in the body of knowledge generally available to one of ordinary skill in the art to use the observed offline purchase history of the consumer (said purchase history including information of a purchase of the consumer collected at a point of sale when the purchase transpired) in combination with the other claimed limitations to provide the desired result of

the present invention, which is to automatically deliver targeted advertisements to consumers on the basis of their observed offline purchase histories. Accordingly, the rejections of claims 85-90 under 35 U.S.C. 103 are believed to have been overcome.

In view of the foregoing discussion, no further issues are believed to be outstanding in the present application. Therefore, applicants respectfully request that this application be allowed and be passed to issue

Respectfully submitted,

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85. (Three Times Amended) A computer readable medium for storing information for delivering a targeted advertisement, comprising a data structure including:

a first field for storing a first identifier identifying a first computer associated with a consumer; and *Cookiel*

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a second field linked to the first field for storing a second identifier associated with said first identifier and corresponding to an observed offline purchase history of the consumer, said purchase history including information of an offline purchase of the consumer collected at a point of sale when the offline purchase transpired, the first identifier and the second identifier being readable by at least one processor [for facilitating the delivery of] to automatically deliver the targeted advertisement to the first computer in response to receiving the first identifier from the first computer.

87. (Three Times Amended) A computer readable medium for storing information for delivering a targeted advertisement, comprising a data structure including:

a first field for storing a first identifier corresponding to a first computer and associated with an observed offline purchase history of a consumer, said purchase history including information of an offline purchase of the consumer collected at a point of sale when the offline purchase transpired; and

a second field linked to the first field for storing a purchase behavior classification based on at least one selected purchase behavior criterion and the observed offline purchase history of the consumer, the first identifier and the purchase behavior classification being

readable by at least one processor [for facilitating the delivery of] to automatically deliver the targeted advertisement to the first computer in response to receiving the first identifier from the first computer.

89. (Three Times Amended) A computer readable medium for storing information for delivering a targeted message, comprising a data structure including:

a first field for storing a first identifier corresponding to a targeted message and a purchase behavior classification based on at least one selected purchase behavior criterion and the observed offline purchase history of the consumer, said purchase history including information of a purchase of the consumer collected at a point of sale when the purchase transpired; and

a second field linked to the first field for storing a personal identification number corresponding to the consumer, the first identifier and the personal identification number being readable by at least one processor [for facilitating the delivery of] to automatically deliver the targeted [advertisement] message to the consumer in response to receiving the first identifier.